

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested. Upon entry of this amendment, claims 1, 3, 5, 8 and 9 are amended, and claims 7 and 11-16 are cancelled, leaving claims 1-6 and 5-10 pending with claims 1, 5 and 9 being independent. No new matter has been added.

### ***Rejections Under 35 U.S.C. §102(b)***

Claims 1-16 have been rejected under 35 U.S.C. §102(b) as being anticipated by Nobuo (JP 09-284886).

Applicants submit that the claims as now pending are allowable over the cited prior art. Specifically, claim 1 now recites a conical type diaphragm for a loudspeaker comprising an outer peripheral shape of a diaphragm that is substantially circular, and a first circle and a second circle that overlap each other with their center points positioned such that at least one part of an outer periphery of the first circle and at least one part of an outer periphery of the second circle form a part of the substantially circular outer peripheral shape.

Applicants submit that the cited prior art fails to disclose or render obvious such a diaphragm. In particular, Nobuo discloses an asymmetrical diaphragm that is an eccentric cone type. *See abstract*. Additionally, the Examiner contends the Nobuo loudspeaker includes an outer periphery shape defined by a first circle overlapping a second circle. The Examiner cites the circles forming the outer periphery of the diaphragm and the circles in figures 1, 3 and 5 for this element. The Examiner further states that the outer periphery of the diaphragm of Nobuo includes the whole section of a portion of the outer periphery of the diaphragm such as the periphery of the cone (1, 11), the edge (3, 13) and the portion of the diaphragm supported by the diaphragm mounting member (7, 7a).

Even assuming that the Examiner's interpretation is correct, Applicants submit that none of the circles in any figure of Nubuo disclose the structure of the present invention as now claimed. That is, Nubuo fails to disclose a first circle and a second circle that overlap each other with their center points positioned such that at least one part of an outer periphery of the first

circle and at least one part of an outer periphery of the second circle form a part of the substantially circular *outer peripheral shape of the diaphragm*. Even assuming that the outer periphery of the diaphragm is defined by the periphery of the cone (1, 11), the edge (3, 13) and the portion of the diaphragm supported by the diaphragm mounting member (7, 7a). These portions do not disclose that two of these circles overlap each other with their center points positioned such that at least one part of an outer periphery of the first circle and at least one part of an outer periphery of the second circle form a part of the substantially circular *outer peripheral shape* of the diaphragm, as recited in claim 1. These portions merely have one circle (e.g., 7 or 13) defining the outer peripheral shape.

Therefore, Applicants submit that independent claim 1 and its dependent claims are allowable over the cited prior art.

Applicants submit that independent claim 5 and its dependent claims are allowable for substantially similar reasons to those set forth above. Namely, the cited prior fails to disclose or render obvious a loudspeaker comprising a conical type diaphragm fixed to the second end of a voice coil, wherein the diaphragm has an outer peripheral shape defined by a first circle overlapping a second circle, and wherein the first circle and the second circle overlap each other with their center points positioned such that at least one part of an outer periphery of the first circle and at least one part of an outer periphery of the second circle form a part of the substantially circular outer peripheral shape.

Applicants submit that independent claim 9 and its dependent claim are allowable for substantially similar reasons to those set forth above. Namely, the cited prior fails to disclose or render obvious a loudspeaker comprising a conical type diaphragm fixed to the second end of the voice coil, wherein the diaphragm has an outer peripheral shape defined by a first circle overlapping a second circle, and wherein the first circle has a first center point and a first radius, and the second circle has a second center point different from the first center point and a second radius different from the first radius, and the first circle and the second circle overlap each other with their center points positioned such that at least one part of an outer periphery of the first circle and at least one part of an outer periphery of the second circle form a part of the

substantially circular outer peripheral shape.

***Conclusion***

In view of the foregoing amendments and remarks, all of the claims now pending in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be allowed, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Osamu FUNAHASHI

/Jeffrey J. Howell/

By: 2009.06.30 10:55:56 -04'00'

Jeffrey J. Howell

Registration No. 46,402

Attorney for Applicant

JJH/kh

Washington, D.C. 20005-1503

Telephone (202) 721-8200

Facsimile (202) 721-8250

June 30, 2009